



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	<b>COUNCIL ON REAL ESTATE APPRAISERS</b>
MEETING DATE AND TIME:	<b>Tuesday, October 18, 2011 at 9:30 a.m.</b>
PLACE:	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , 2nd floor of the Cannon Building
MINUTES APPROVED:	<b>November 15, 2011</b>

**Members Present**

William Diveley, Chair, Professional Member  
Gary V. Parker, Vice Chair, Professional Member  
Stephen Huston, Professional Member  
Brad Levering, Professional Member  
Richard Wheeler, Public Member  
Frank Long, Public Member  
Ronald Mandato, Professional Member

**Division Staff/Deputy Attorney General**

Patricia Davis-Oliva, Deputy Attorney General  
Nicole Williams, Administrative Specialist II

**Members Absent**

Yvonne Rickards, Public Banking Member  
Frank Smith, Public Member

**Others Present**

Juli LaBadia, Court Reporter of Wilcox and Fetzer  
Leslie Vasquez  
Earl Loomis  
J. Wesley Mast  
Dick Cecil  
George Wright  
Eddy Parker  
Chris Keeler  
Hal Godwin

Cheryl Russell  
Sheila Ross

**Call to Order**

Mr. Diveley called the meeting to order at 9:45 a.m.

**Rules and Regulations 10.0 Hearing Minutes**

**Present:** William Diveley, Gary Parker, Stephen Huston, Brad Levering, Richard Wheeler, Frank Long, Ronald Mandato

**Presiding:** William Diveley, Chair

**Board Staff:** Nicole Williams, Administrative Specialist II

**Deputy Attorney General for the Council:** Patricia-Davis-Oliva, DAG

**Court Reporter Present:** Juli LaBadia, Wilcox and Fetzer

**On Record:** 9:46 a.m.

Ms. Davis-Oliva announced that today's hearing is for the discussion of the proposed Rules and Regulations Section 10.0. The Council introduced themselves for the record. Ms. Davis-Oliva stated that the proposed amendments to the regulations were published on June 1, 2011 in the register of regulations and a public hearing noticed for July 19, 2011 but due to a conflict on the hearing notice for the July meeting the conference room was not properly noticed, therefore the hearing is being reopened for additional public comments on this matter. Ms. Davis-Oliva stated that previous Board Exhibits from the July meeting will remain part of the record and entered additional Board Exhibits for the record as Board Exhibits 1, 2, 3, 4, 5, 6 (affidavit of notice from News Journal for today's hearing), 7 (affidavit of notice from Delaware State News for today's hearing), 8 (written comments from R. Douglas Sensabaugh of the New Castle County Property Assessment Division written in letter form dated August 4, 2011 to the Council), 9 (written comments from Charles Brown, President of the Delaware Chapter of the Appraisal Institute written in letter form to the Council dated September 19, 2011), 10 (written comments from Douglas L. Nickel from the Delaware Association of Appraisers written in letter form to the Council dated September 17, 2011), 11 (a letter from the Local League of Governments to the Council dated October 13, 2011), 12 (written comments from the Division addressing technical questions regarding the language in the proposed regulations).

The Council opened the floor for additional public comment. Hal Godwin addressed the Council with his comments. He is the Deputy Sussex County Administrator. Mr. Godwin read a motion from a Sussex County Council meeting. Eddy Parker addressed the Council with his public comments for the record. Mr. Godwin voiced additional concerns for the proposed regulations and concluded Sussex County's comments. Phillip McGinnis addressed the Council with his public comments for the record. Doug Sensabaugh, New Castle County property assessment manager, addressed the Council with his public comments for the record. Mr. Godwin addressed the Council again with additional comments for the record, specifically regarding rule 10.5.1.4. The Council

went off the record at 10:09 a.m. for deliberations. The Council went back on the record at 10:44 a.m.

Mr. Parker made motion to approve the proposed rules and regulations as amended with technical revisions and the significant reduction in the continuing education requirements, seconded by Mr. Levering. The motion carried unanimously. The hearing concluded at 10:45 a.m.

Ms. Davis-Oliva stated that the regulations will be published in the registrar December 1<sup>st</sup> and effective December 11<sup>th</sup>. Mr. Parker made a motion to take a 10 minute break, seconded by Mr. Levering. Motion carried unanimously.

### **Review and Approval of Minutes**

The Council reviewed the minutes from the September meeting. Mr. Long made a motion to approve the minutes as submitted, seconded by Mr. Huston. Motion carried unanimously.

### **Unfinished Business**

#### Appraisal Log Matrix

The Council tabled this agenda item until the November meeting.

#### Requirement of Criminal Background Checks for Licensure: Update from Other States

Mr. Levering stated that he some information on this matter but would like to gather more information. The Council tabled this agenda item until the November meeting.

#### Scope of Practice for Appraisal Reports

The Council struck this item from the agenda as it has already been discussed and resolved.

#### Trainee Checklist for the Appraisal Experience Log

The Council reviewed and discussed this matter. Mr. Levering stated that PA requires this checklist as part of the appraisal report submitted. Mr. Parker stated that agenda items 4.3 and 4.4 are essentially the same topic as the checklist lists the scope of practice. The checklist is not used for appraisal experience but is used for appraisal USPAP compliance. Mr. Parker made a motion to adopt the checklist to be included in the appraisal report, seconded by Mr. Huston. Motion carried unanimously. Ms. Davis-Oliva will check the statute to see if this requires a statute change and report back at the November meeting.

#### Status of Complaints

Ms. Davis-Oliva stated she will have the completed Final Decision and Order for complaints 19-07-09, 19-09-09, and 19-14-09 against Kelly Leaberry for the November meeting.

The Council will notice a hearing for complaint 19-02-10 against Brian Sachs for the November meeting if the date is agreed upon with the State's prosecuting attorney.

The Council reviewed the consent agreement for complaint 19-03-10 against Ted Ganderton. Mr. Levering and Mr. Parker recused themselves from the discussion of the

consent agreement. The Council cross referenced the consent agreement with the Appraisal Qualification Board's voluntary disciplinary action matrix guide. Mr. Huston made a motion to accept the consent agreement as written, seconded by Mr. Levering. Mr. Mandato voted no. Motion carried by majority vote.

Mr. Mandato stated that complaint 19-04-10 has been forwarded to the Attorney General's office for further review.

### **New Business**

#### **New Complaints**

Complaint 19-10-11 of New Castle County was assigned to Mr. Levering.

Complaint 19-11-11 of Kent County was assigned to Mr. Levering.

Complaint 19-12-11 of Sussex County was assigned to Mr. Parker.

Complaint 19-13-11 of New Castle County was assigned to Mr. Diveley.

#### **Review of Renewals**

Ms. Davis-Oliva stated that at the time of the renewal one of the bases for denying a renewal is any discipline received in another jurisdiction during the last renewal period. However, this disqualification may be waived by the Council.

William B. Furia: Mr. Diveley stated that Mr. Furia entered into a consent agreement in the State of PA. Ms. Davis-Oliva advised that entering into consent agreement could be grounds for the Council to deny the current renewal. Mr. Huston suggested renewing the license as he has complied with the PA order. Mr. Huston made a motion to approve the renewal for Mr. Furia, seconded by Mr. Diveley. Motion carried unanimously.

Douglas Nickel: Ms. Davis-Oliva stated that Mr. Nickel has a current pending complaint. Mr. Huston made a motion to approve the renewal for Mr. Nickel, seconded by Mr. Mandato. Motion carried unanimously.

Gerald McNamara: Ms. Davis-Oliva stated that Mr. McNamara has the same type of renewal situation in that he has an unresolved pending complaint in another jurisdiction. Mr. Parker made a motion to approval the renewal for Mr. McNamara, seconded by Mr. Huston. Motion carried unanimously. Mr. Huston questioned if anonymous complaints are accepted by the Division. Ms. Davis-Oliva clarified that the Division will not accept anonymous complaints and it is the discretion of the Division to withhold the complainant's name from the person they are complaining about.

Douglas Knodel: Mr. Diveley stated that Mr. Knodel also has a pending current complaint. Mr. Parker made a motion to approve Mr. Knodel's renewal, seconded by Mr. Huston. Motion carried unanimously.

Elizabeth Reagan: Mr. Diveley stated that Ms. Reagan also has a pending current complaint. Mr. Huston made a motion to approve the renewal for Ms. Reagan, seconded by Mr. Diveley. Motion carried unanimously.

#### **Ratification of Issued Licenses**

Mr. Huston made a motion to ratify the listing of licenses issued to Andrew McHale as an appraiser trainee and Demian Wines as a Certified Residential Real Property Appraiser, seconded by Mr. Parker. Motion carried unanimously.

Ratification of Approved Continuing Education Activities

Mr. Huston made a motion to ratify the approved education activities listing, seconded by Mr. Parker. Motion carried unanimously.

Review of Temp Applications for discussion only

Mr. Diveley read the list of names approved for temporary permits. There was no discussion by the Council.

**Other Business before the Council (for discussion only)**

Mr. Levering wanted to thank the committee for working on the assessor regulations and especially Mr. Parker for the exceptional job done on drafting the regulations. Mr. Parker stated that Mr. Phil McGinnis provided the majority of the ground work on the assessor regulations and he only picked up where Mr. McGinnis had left off.

**Public Comment**

Mr. Loomis addressed the Council regarding the online renewal questions. Specifically Mr. Loomis pointed out that the renewal states that the licensee must complete the 7 hour USPAP update course and the 3 hour DE law and regulations course, then the certification question that asks if the licensee certifies that he or she has completed the required continuing education requirements as summarized above. Mr. Loomis inquired where it states that the licensee must complete 14 hours of continuing education in a classroom setting because the online renewal does not state that. Ms. Davis-Oliva stated that the Division may be able to change the online renewal question to read "in accordance with the Council's Rules and Regulations." Mr. Levering stated that the Council should not have to tell licensees what they have to take for continuing education requirements. Mr. Loomis suggested changing the first statement regarding the 7-hour USPAP and 3-hour DE law and regulations course to add "in accordance with the Council's Rules and Regulations." Ms. Williams will submit this proposed change to the online renewal to the system administrator.

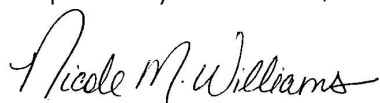
**Next Meeting**

The next meeting is scheduled for November 15, 2011 at 9:30 a.m. in Conference Room A second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**Adjournment**

Mr. Huston made a motion, seconded by Mr. Parker to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 11:45 a.m.

Respectfully submitted,



Nicole M. Williams  
Administrative Specialist II